

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

Case No. 22-80173-CR-AMC

WILLIAM MICHAEL SPEARMAN,

Defendant.

**GOVERNMENT’S MOTION TO SEAL
RESPONSE TO MOTION TO SUPPRESS**

The United States hereby files the instant motion to seal the government’s response and attached exhibits in opposition to defendant Spearman’s motion to suppress (DE 74) pursuant to local rule 5.4 and states as follows:

On April 14, 2023, this Court granted (DE 79) the defendant’s motion to seal (DE 72) his motion to suppress and request for hearing (DE 74). The government conventionally filed a response to the motion to suppress as well as three (3) exhibits be filed under seal.

Pursuant to Southern District of Florida Local 5.3(b)(2), the parties are required to “redact any sensitive, confidential, or private information in accordance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials, or seek an order from the Court either to seal the exhibit or to exempt the exhibit from electronic filing under subsection (b)(3)(C) of this rule.” Local Rule (b)(3)(C) states:

“When permitted by order of the Court, exhibits containing voluminous amounts of confidential information that is subject to privacy protections in accordance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, or other applicable rule or statute; within ten (10) days of the conclusion of the hearing or trial, unless otherwise ordered, such exhibits must be delivered to the Clerk of the Court either in original physical form or on a CD, DVD, or other electronic medium containing a copy of the exhibit, but such exhibits are not to be filed in the CM/ECF

system, and the filer is not required to comply with CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials.

Like the motion to suppress, the government's response to the motion to suppress and its exhibits contain information regarding an ongoing investigation that if made known to the public through the information contained within the government's filing and attachments, would jeopardize the investigation and put the lives of law enforcement at risk who conduct the investigations. The government requests the Court issue an order allowing the government to file its response and three (3) exhibits under seal. The government will provide the same to the defense as well.

Filing all the documents under seal, will allow all parties, the Court and the Appellate Court, if necessary, to have access to un-redacted and original versions of the evidence for ease of identification. It does not appear that any party, current or future, would be prejudiced by this method of filing in a case with such voluminous material.

Respectfully submitted,

MARKENZIE LAPOINTE
UNITED STATES ATTORNEY

By: s/ Gregory Schiller
Gregory Schiller
Assistant United States Attorney
Court ID No. A5501906
500 South Australian Avenue Suite 400
West Palm Beach, Florida 33401
Phone: (561) 209-1045
Email: Gregory.Schiller@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was emailed to the Court's email account and CC'd to defense counsel as contained within the record on April 24, 2023, and is now being filed electronically through CMECF on April 28, 2023.

By: s/ Gregory Schiller
Assistant United States Attorney